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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
VIE LUXE INTERNATIONAL, LLC and  
MARJORIE GUBELMANN RAEIN

Plaintiffs,

-against-

DANIEL BENEDICT,  
DANIEL BENEDICT DESIGN, INC.  
and MICHELE BROWN,

Defendants.  
\_\_\_\_\_

X

**Docket # 08 CV 5023 (LAP)**

**ANSWER TO FIRST  
AMENDED COMPLAINT**

X

PLEASE TAKE NOTICE that the Defendant, Michele Brown, through her attorneys, The Law Offices of Michael Kennedy, P.C., hereby appear in the above captioned action and request that all further communications be directed to the address listed below.

PLEASE TAKE FURTHER NOTICE that Defendants hereby answer the allegations of the First Amended Complaint as forth below: GENERAL DENIAL

1. Defendant Brown lacks knowledge and information sufficient to form a belief as to the purpose of Plaintiffs' lawsuit set forth in Paragraph 1 of the Complaint.
2. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 2 of the Complaint.
3. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 3 of the Complaint.

4. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 4 of the Complaint.
5. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 5 of the Complaint.
6. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 6 of the Complaint.
7. Defendant Brown denies the allegations set for in Paragraph 7 of the Complaint but admits that she had a professional relationship with Daniel Benedict until June 24, 2008 issuance of a Temporary Restraining Order which was immediately communicated to Plaintiffs' counsel.
8. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 8 of the Complaint but denies any wrongdoing attributed to her.
9. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 9 of the Complaint.
10. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 10 of the Complaint.
11. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 11 of the Complaint.
12. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 12 of the Complaint.
13. Defendant Brown admits the allegations contained in Paragraph 13 of the Complaint.
14. Defendant Brown denies that this is the proper venue as Plaintiffs have not and will not

be able to prove at trial the requisite elements necessary to confer subject matter jurisdiction upon this Court. Furthermore, Plaintiffs have failed to allege any actions undertaken by Defendant Brown that raise a federal question or otherwise confer subject matter jurisdiction over actions undertaken by her as she has not been accused of having violated 18 USC §1030 by which this case was brought to federal court.

15. Defendant Brown denies the allegations in Paragraph 15 of the Complaint as the state-based claims have no relationship to the fabricated federal claim brought under 18 USC §1030.
16. Defendant Brown denies the allegations contained in Paragraph 16 of the Complaint because without a federal question related to acts engaged in by her, there needs to be diversity of citizenship in order for this Court to have subject matter jurisdiction over the case.
17. Defendant Brown admits the allegations contained in Paragraph 17 of the Complaint.
18. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 18 of the Complaint.
19. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 19 of the Complaint.
20. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 20 of the Complaint.
21. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 21 of the Complaint.
22. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 22 of the Complaint.

23. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 23 of the Complaint.
24. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 24 of the Complaint.
25. Defendant Brown denies the allegations contained in Paragraph 25 of the Complaint.
26. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 26 of the Complaint.
27. Defendant Brown denies the allegations contained in Paragraph 27 of the Complaint.
28. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 28 of the Complaint.
29. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 29 of the Complaint.
30. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 30 of the Complaint.
31. Defendant Brown admits the allegations in Paragraph 31 of the Complaint.
32. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 32 of the Complaint.
33. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 33 of the Complaint.
34. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 34 of the Complaint.
35. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 35 of the Complaint.

36. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 36 of the Complaint.
37. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 37 of the Complaint.
38. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 38 of the Complaint.
39. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 39.
40. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 40 of the Complaint.
41. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 41 of the Complaint.
42. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 42 of the Complaint.
43. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 43 of the Complaint.
44. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 44 of the Complaint.
45. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 45 of the Complaint.
46. Defendant Brown lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 46, but admits that a relationship was maintained with Defendant Benedict until issuance of a Temporary Restraining Order.

47. Defendant Brown admits the allegations contained in Paragraph 47, but denies violating any of those restrictive covenants.
48. Defendant Brown admits that an agreement was entered into and that agreement is the best evidence of that to which the parties agreed and which requires a legal conclusion reserved to the Court.
49. Defendant Brown admits the allegations contained in Paragraph 49 of the Complaint.
50. Defendant Brown denies the allegations contained in Paragraph 50 of the Complaint.
51. Defendant reasserts the answers to Paragraphs 1-50 above.
52. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 52 of the Complaint.
53. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 53 of the Complaint.
54. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 54 of the Complaint.
55. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 55 of the Complaint.
56. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 56 of the Complaint.
57. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 57 of the Complaint.
58. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 58 of the Complaint.
59. Defendant Brown lacks knowledge and information sufficient to form a belief as to the

allegations set forth in Paragraph 59 of the Complaint.

60. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 60 of the Complaint.

61. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 61 of the Complaint.

62. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 62 of the Complaint.

63. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 63 of the Complaint.

64. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 64 of the Complaint.

65. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 65 of the Complaint.

66. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 66 of the Complaint.

67. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 67 of the Complaint.

68. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 68 of the Complaint.

69. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 69 of the Complaint.

70. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations contained in the Complaint and defer any such legal conclusions to the Court.

71. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 71 of the Complaint.
72. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 72 of the Complaint.
73. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 73 of the Complaint.
74. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 74 of the Complaint.
75. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 75 of the Complaint.
76. Defendant reasserts their responses to Paragraphs 1-75 above.
77. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 77 of the Complaint.
78. Defendant Brown denies the allegations contained in Paragraph 78 of Complaint, but denies having breached any of the terms of her Executive Agreement.
79. Defendant Brown denies the allegations contained in Paragraph 79 of the Complaint.
80. Defendant reasserts the responses to Paragraphs 1-79 above.
81. Defendant Brown lacks knowledge and information sufficient to form a belief as to what clients Vie Luxe maintains except note that Plaintiff Gubelmann had indicated that she was not interested in pursuing private label clients at or about the time that attempts were made to terminate Defendant Benedict and his minority member interest.
82. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 82 of the Complaint.



83. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 83 of the Complaint.
84. Defendant Brown denies the allegations contained in Paragraph 84 of the Complaint.
85. Defendant Brown denies the allegations contained in Paragraph 85 of the Complaint.
86. Defendant Brown denies the allegations contained in Paragraph 86 of the Complaint.
87. Defendant Brown denies the allegations contained in Paragraph 87 of the Complaint.
88. Defendant reasserts the responses to Paragraphs 1-87 above.
89. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 89 of the Complaint.
90. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 90 of the Complaint.
91. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 91 of the Complaint.
92. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 92 of the Complaint.
93. Defendant reasserts their responses to Paragraphs 1-92 above.
94. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 94 of the Complaint.
95. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 95 of the Complaint.
96. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 96 of the Complaint.
97. Defendant Brown lacks knowledge and information sufficient to form a belief as to the

allegations set forth in Paragraph 97 of the Complaint.

98. Defendant reasserts the responses to Paragraphs 1-97 above.
99. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 99 of the Complaint. as it calls for a legal conclusion reserved exclusively to the Court.
100. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 100 of the Complaint.
101. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 101 of the Complaint.
102. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 102 of the Complaint.
103. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 103 of the Complaint.
104. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 104 of the Complaint.
105. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 105 of the Complaint.
106. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 106 of the Complaint.
107. Defendant reasserts the responses to Paragraphs 1-106 above.
108. Defendant Brown lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 108 of the Complaint as it calls for a legal conclusion.
109. Defendants lack knowledge and information sufficient to form a belief as to the

allegations contained in Paragraph 109 of the Complaint as it calls for a legal conclusion.

110. Defendant Brown denies the allegations contained in Paragraphs 110 of the Complaint.

111. Defendant Brown denies the allegations contained in Paragraph 111 of the Complaint.

112. Defendant reasserts the responses to Paragraphs 1-111 above.

113. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 113 of the Complaint.

114. Defendant Brown lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 114 of the Complaint as it calls for a legal conclusion.

115. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 115 of the Complaint.

116. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 116 of the Complaint.

117. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 117 of the Complaint.

118. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 118 of the Complaint.

119. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 119 of the Complaint which calls for a legal conclusion.

120. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 120 of the Complaint.

121. Defendant reasserts the responses to Paragraphs 1-120 above.

122. Defendant Brown denies the allegations contained in Paragraph 122 of the Complaint.

123. Defendant Brown denies the allegations contained in Paragraph 123 of the Complaint and

any relationship between the parties has been terminated since June 24, 2008 when the Court issued a Temporary Restraining Order.

124. Defendant Brown denies the allegations contained in Paragraph 124 of the Complaint.

125. Defendant Brown denies the allegations contained in Paragraph 125 of the Complaint.


126. Defendant Brown denies the allegations contained in Paragraph 126 of the Complaint.

127. Defendant Brown lacks knowledge and information sufficient to form a belief as to the allegations set forth in Paragraph 127 of the Complaint.

128. Defendant Brown denies the allegations contained in Paragraph 128 of the Complaint and lack knowledge or information to form a belief as it calls for a legal conclusion reserved to the Court.

129. Defendant Brown denies the allegations contained in Paragraph 129 of the Complaint and lack knowledge or information to form a belief as it calls for a legal conclusion reserved to the Court.

Dated: New York, New York  
July 2, 2008



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